

1 ARTHUR J. BURKE (229589)
2 RAJAT SONI (242644)
DAVIS POLK & WARDWELL
1600 El Camino Real
3 Menlo Park, CA 94025
Telephone: (650) 752-2005
4 Facsimile: (650) 752-3605
E-mail address: arthur.burke@dpw.com
5 *Counsel for Defendants*

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6 ROBIN WINCHESTER ✓
7 SCHIFFRIN BARROWAY
TOPAZ & KESSLER LLP
8 280 King of Prussia Road
Radnor, PA 19087
9 Telephone: (610) 667-7706
Facsimile: (610) 667-7056
10 E-mail address: rwinchester@sbtklaw.com
11 *Lead Counsel for Lead Plaintiffs*

FILED
SEP 20 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

12 TRAVIS E. DOWNS III (148274)
COUGHLIN STOIA GELLER
13 RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
14 San Diego, CA 92101-3301
Telephone: (619) 231-1058
15 Facsimile: (619) 231-7423
16 E-mail address: travisd@csgrr.com
17 *Lead Counsel for Lead Plaintiffs*

18 (additional counsel listed on signature pages)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

20) Case No.: C06-5353-JW (PVT)
21 In Re Affymetrix)
Derivative Litigation)
22 _____)
23 This Document Relates To:)
ALL ACTIONS)
24 _____)

) **STIPULATION REGARDING
ATTENDANCE AT SETTLEMENT
CONFERENCE AND [PROPOSED] ORDER**

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1 WHEREAS, this Court ordered counsel to appear at a settlement conference on September
2 28, 2007 "with the parties and with the person or persons having full authority to negotiate or
3 settle the case" and with representatives from the parties' insurance carriers;

4 WHEREAS, after meeting and conferring, the parties have agreed that a representative of
5 the defendants' primary insurance carrier will be present for the mediation session;

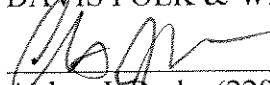
6 WHEREAS, the undersigned counsel will make arrangements to ensure that the parties
7 represented by them can be contacted promptly during the mediation session if their views or
8 assent are required; and

9 WHEREAS, it is hereby stipulated and agreed that the undersigned counsel will appear at
10 the settlement conference on September 28, 2007;

11 THEREFORE, the parties request that this Court enter an Order excusing the attendance
12 of the parties and representatives of the defendants' excess insurance carriers at the September 28,
13 2007 settlement conference.

14 Dated: September 17, 2007

DAVIS POLK & WARDWELL

15 By: 

Arthur J. Burke (229589)
Rajat Sori (242644)
1600 El Camino Real
Menlo Park, California 94025
Telephone: (650) 752-2005
Facsimile: (650) 752-3605
Counsel for Defendants

20 Dated: September 17, 2007

AFFYMETRIX LITIGATION UNIT

21 By: 

Peter E. Root (142348)
6550 Vallejo Street, Suite 100
Emeryville, California 94608
Telephone: (510) 428-8517
Facsimile: (510) 428-8583
E-mail address: peter_root@affymetrix.com
Counsel for Individual Defendants

27 Dated: September 17, 2007

SCHIFFRIN BARROWAY

TOPAZ & KESSLER LLP

1 By:

2 Robin Winchester
3 280 King of Prussia Road
4 Radnor, PA 19087
5 Telephone: (610) 667-7706
6 Facsimile: (610) 667-7056
7 E-mail address: rwinchester@sbtklaw.com
Lead Counsel for Lead Plaintiffs

8 Dated: September 17, 2007

9 COUGHLIN STOIA GELLER RUDMAN &
10 ROBBINS LLP

11 By:

12 Travis E. Downs III (148274)
13 655 West Broadway, Suite 1900
14 San Diego, CA 92101-3301
15 Telephone: (619) 231-1058
16 Facsimile: (619) 231-7423
17 E-mail address: travisd@csgr.com
Lead Counsel for Lead Plaintiffs

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[PROPOSED] ORDER

Pursuant to the parties' stipulation regarding attendance, it is hereby ordered that a representative of the Defendants' primary insurance carrier will be present for the settlement conference previously scheduled for 9:30 a.m. on September 28, 2007, however, the parties and representatives of the Defendants' excess insurance carriers are not required to attend the settlement conference. At the settlement conference, counsel from Davis Polk & Wardwell shall appear on behalf of Defendants, counsel for the Affymetrix Litigation Unit shall appear on behalf of the Individual Defendants, and counsel from Schiffzin Barroway Topaz & Kessler LLP and Coughlin Stoia Geller Rudman & Robbins LLP shall appear on behalf of Lead Plaintiffs.

IT IS SO ORDERED.

DATED: 9-20-07


Magistrate Judge Richard G. Seeborg